

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION

Blue Spike, LLC,

*Plaintiff,*

v.

Texas Instruments, Inc., et al.,

*Defendants.*

Case No. 6:12-cv-499 MHS

Lead Case

Jury Trial Demanded

Blue Spike, LLC,

*Plaintiff,*

v.

Cognitec Systems Corporation and  
Cognitec Systems GmbH,

*Defendants.*

Case No. 6:13-cv-124 MHS

Consolidated Case

Jury Trial Demanded

**Declaration of Scott Moskowitz in Support of Blue Spike's Opposition  
to Cognitec Systems Corporation's Motion to Dismiss or Transfer**

I, Scott Moskowitz, declare as follows:

1. I am the Chief Executive Officer of Plaintiff Blue Spike LLC ("Blue Spike"), a Texas limited liability company.

2. I am one of the inventors of all four patents-in-suit.

3. I am domiciled at 433 S. Chilton Avenue, Unit 3, Tyler, Texas 75702. I also own a condominium in Florida, where I live part time in order to receive medical treatments that I cannot receive elsewhere. These medical treatments are an alternative to the use of addictive opiates for pain management.

4. Blue Spike, LLC has its headquarters and principal place of business at 1820 Shiloh Road, Suite 1201C, Tyler, Texas 75703. Tyler, Texas has been Blue Spike's headquarters, principal place of business, and sole operational location since May 2012.

5. Blue Spike, LLC was founded and formed in Tyler in May 2012. Its sole office is in Tyler. It has fifteen employees, and all of them work in Tyler, including its Chief Executive Officer and Chief Technical Officer. Blue Spike leases office space in downtown Tyler, houses all its servers in Tyler, maintains all company documents in Tyler, and has its sources of proof in Tyler. Blue Spike is a member of the Tyler Chamber of Commerce, and its CEO is a member of the Greater East Texas IT Professionals. Blue Spike has also sponsored the Tyler Mini Maker Faire.

6. Blue Spike plans to call witnesses from Texas, including me and other witnesses who will testify about the accused products in this lawsuit.

7. Litigating this action outside of Texas would be extremely inconvenient, expensive, and burdensome for Plaintiff Blue Spike, LLC.

8. A transfer would dramatically increase the costs of litigation for Blue Spike, would increase the amount of time that Blue Spike's witnesses and employees would have to spend litigating the case, and would cause serious hardship for me personally, as I suffer from a medical condition that makes it very painful to travel long distances.

I declare, on May 9, 2013, in Smith County, Texas, and under penalty of perjury under the laws of the United States and Texas, that the statements made in this declaration are true and correct.

/s/ Scott Moskowitz  
Scott Moskowitz